

**MOORE COUNTY PLANNING BOARD  
REGULAR MEETING  
THURSDAY, NOVEMBER 5 2015, 6:00 PM  
MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> Floor**

**CALL TO ORDER – 6 PM**

**INVOCATION – (Member Volunteer)**

**PLEDGE OF ALLEGIENCE – (Member Volunteer)**

**MISSION STATEMENT – (Member Volunteer)**

**I. PUBLIC COMMENT PERIOD (*Procedures are attached*)**  
**Please sign up on the Public Comment Sign In sheet near the door**

**II. APPROVAL OF CONSENT AGENDA**

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of Minutes of October 1, 2015
- C. Consideration of Abstentions

**III. PUBLIC HEARING**

1. Moore County Planning Staff is proposing adding the following language to the Moore County Unified Development Ordinance: Section 7.1.105 Any use not specifically listed in the Table of Uses is prohibited.

**IV. WORK SESSION**

1. Review Text Amendments to the Moore County Unified Development Ordinance.

**V. OTHER BOARD MATTERS**

**VI. PLANNING DEPARTMENT REPORTS**

**VII. BOARD COMMENT PERIOD**

**VII. UPCOMING EVENTS**

- Tuesday, November 17, 2015 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- Tuesday, December 8, 2015 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- Thursday, December 3, 2015 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage

**VIII ADJOURNMENT**

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is give to the County.*

*Please see attached procedures for the Public Comment Period and public commend during Public Hearings*

**PUBLIC COMMENT PROCEDURES  
MOORE COUNTY PLANNING BOARD**

*The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:*

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 1. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 1. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 2. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 3. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 4. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 5. Any applause will be held until the end of the Public Comment Period.*
- 6. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 7. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 8. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

*Adopted on the 4<sup>th</sup> day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board*

## **MOORE COUNTY PLANNING BOARD PUBLIC HEARINGS PROCEDURES**

*The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:*

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

*Adopted on the 5<sup>th</sup> day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board*

**MINUTES**  
**MOORE COUNTY PLANNING BOARD**  
**THURSDAY OCTOBER 1 2015, 6:00 PM**  
**MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> FLOOR**

**Board Members Present:** Rich Smith (Chair), Buck Mims, Gene Horne, Eddie Nobles, David Lambert, Scott McLeod

**Board Members Absent:** Aaron McNeill (Vice Chairman), Eli Schilling, Joseph Garrison

**Staff Present:** Debra Ensminger, Planning Director  
Brenda White, Deputy County Attorney  
Theresa Thompson, Senior Planner  
Tim Emmert, Planning Supervisor  
Lydia Cleveland, Administrative and Transportation Program Manager

**CALL TO ORDER**

Planning Board Chairman Rich Smith called the meeting to order.

**INVOCATION**

Board Member Eddie Nobles offered the invocation.

**MISSION STATEMENT**

Board Member David Lambert read the Moore County Mission Statement.

**PUBLIC COMMENT PERIOD**

There was no public comment.

**APPROVAL OF THE CONSENT AGENDA**

- A. Approval of Meeting Agenda
- B. Approval of Minutes of August 6, 2015
- C. Consideration of Abstentions

Board Member Buck Mims motioned to approve the Consent Agenda and the motion was seconded by Board Member Gene Horne. The motion passed unanimously (6-0).

## **PUBLIC HEARINGS**

The Moore County Planning Board adjourned and reconvened as the Moore County Watershed Review Board by a motion made by Board Member Horne and seconded by Board Member Eddie Nobles. The motion passed unanimously (6-0)

Due to the nature of the request Chairman Smith asked if he could be recused from the SNIA request. Chairman Smith was recused by a motion made by Board Member Horne and seconded by Board Member Mims. The motion passed unanimously (5-0).

*(Chairman Rich Smith did not vote for his recusal)*

Due to the absence of Chairman Smith and Vice Chairman Aaron McNeill Board Member Scott McLeod made a motion for Board Member Mims to serve as Chairman pro tem for the SNIA request. The motion was seconded by Gene Horne and the motion passed unanimously (5-0). *(Chairman Rich Smith was recused)*

Chairman pro tem Mims described request number one as follows;

**Par 5 Development Group, LLC, is seeking a Special Non-residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 47.3% on two adjacent properties (ParID 00030147 and 00015903), owned by R. Carter & Susan Grine, located on NC Hwy 211 near the intersection of Juniper Lake Road, to construct a retail building, driveway, and associated parking.**

Senior Planner Theresa Thompson stated that Mr. Scott Brown was present as a representative for the applicant. Ms. Thompson continued and stated the following as part of her presentation. “The applicant is requesting to increase the maximum built upon area to 47.3%, the two properties are located on NC 211 and Juniper Lake Road. The request is to build a new retail building, driveway, and parking. The property is in the watershed III Nick’s Creek Overlay District which allows up to 24% built upon area unless a SNIA is approved which can allow up to 70%. So far 10 SNIA’s have been approved in the Nick’s Creek watershed for a total of 36 acres leaving a balance of 326.77 for future allocations. If this SNIA is approved based on the project size which is 1.29 acres there will be 324.85 acres remaining. State law requires a minimum of 10% set aside for things like schools and utility stations which is 40.34 acres. The applicant has spoken with Public Utilities and they will be tapping into county water. The applicant has spoken with Environmental Health and they are in the process of testing soils to see where the septic will be located. The applicant has already received NCDOT driveway approval which did not affect the on-site site plan and the site plan meets all Moore County Unified Development Ordinance standards.” The request is “in the B2 Highway Commercial zoning district which allows retail uses. The plan also meets the urban transition highway corridor overlay district requirements. The applicant may need to revise the site plan for just the screening portion based on where they are going to locate the septic but that will not affect the impervious surface. Staff will ensure that if the site plan is changed that it meets all required UDO standards. The applicant submitted the Stormwater Control Plan

which illustrates that they are going to be doing an underground retention pond which will be located under the parking area. The letter in the packet from Mr. Brown states that the Stormwater Plan is in accordance with NCDENR Stormwater designated practice manual, which is a UDO requirement.”

Ms. Thompson concluded her presentation and provided the Board with staff recommendations.

Ms. Thompson stated that “given it meets all UDO requirements staff recommends approval with a couple of conditions. Including should the Zoning Administrator, Building Inspections, Environmental Health, Public Utilities, Fire Marshal, or NCDOT identify minor changes staff shall be authorized to accept such minor modifications to the site plan as necessary. Also to recombine the parcels so the building meets setback requirements.”

Ms. Thompson asked the Board for any questions.

Board Member Horne asked if this project has road frontage on Highway 211 and Juniper Lake Road. Ms. Thompson stated that there is another property located behind this one that may be part of a future phase, “so no it does not”. Board Member Horne asked for confirmation that this will only have access on Highway NC211. Ms. Thompson responded that what we require of the applicant right now is for the NC211 side, once they develop the portion on Juniper Lake then we will look at that side. Board Member Horne asked if NCDOT will give the applicant a right and left turn on NC211, because it is in a curve. Mr. Scott Brown the applicant representative stated that they have received approval for both entrances.

Chairman pro tem Mims asked for any further questions.

Board Member McLeod asked if any adjourning properties have received SNIA approval. MS. Thompson stated none of the adjourning properties have received SNIA approval but there have been some in the area with the last one being Shining Stars in 2014.

Board Member Horne stated that he thought that back in 1999 the company he worked for asked for additional allocation for that same area but was not certain.

Board Member McLeod made a motion to approve the Special Non-residential Intensity Allocation (SNIA) on the parcels known as ParID 00030147 and 00015903 with the provided additional conditions. The motion was seconded by Board Member Horne and the motion passed unanimously (5-0)

Board Member McLeod made a motion to adjourn as the Moore County Watershed Review Board and reconvene as the Moore County Planning Board. The motion was seconded by Board Member Lambert and the motion passed unanimously (5-0).

Chairman Smith returned to the meeting.

Chairman Smith described request number two as the following

**David Garza, is seeking a two year vested Conditional Use Permit approval to operate a veterinary clinic in an existing building located at 125 West Plaza Drive, West End in Seven Lakes West on a parcel (ParID 97000323) owned by Phillip and Pamela Harrell as identified in the Moore County tax records.**

Ms. Thompson stated the following as part of her presentation. “The applicant is requesting to open a veterinary clinic in the Village Business zoning district. All adjoining are commercial. The applicant will occupy 75% of the footprint and after 1 year Mr. Garza plans to occupy the entire building. Typically Conditional Use Permits have a 12 month expiration date since Mr. Garza has provided a Site Specific Plan he can apply for the 2 year vesting where he has a 2 year deadline. In addition there are two ways to stay vested which includes an open building permit or if the building permit has expired but the applicant has demonstrated substantial expenditures which is also known as common law vesting.” Ms. Thompson further explained that the request has been reviewed by Building Inspections, Public Utilities, and Environmental Health. After review county water will be used and the septic system will need to be enlarged. Ms. Thompson stated that the four findings of fact have been met as well as goal 1.7 of the Moore County Land Use Plan.

Ms. Thompson concluded her presentation and provided the Board with staff recommendations.

Ms. Thompson stated that Staff recommends approval with the following conditions. Should the Zoning Administration, Building Inspector, Environmental Health, Public Utilities, or the Fire Marshal identify minor changes staff shall be authorized to accept such minor modifications to the site plan as necessary. The veterinary clinic shall not include outdoor kennels, and the applicant shall have two (2) years to occupy the entire building through vested rights approval.

Chairman Smith opened the public hearing.

No one spoke for or against the proposed Conditional Use Permit.

Chairman Smith closed the public hearing.

Chairman Smith asked the Board if they had any questions for Ms. Thompson or the applicant.

Board Member Lambert asked if this veterinary clinic would be for small animals only. David Garza confirmed that yes it would only be for small animals.

Board Member McLeod asked if the facility would be used to board animals. David Garza stated that an animal would only stay overnight if it was receiving treatment.

David Garza further explained that he will lease the building for one year and then buy the building.

Board Member McLeod asked what percentage of the building the business will occupy to start. David Garza stated approximately 70%.

Board Member Lambert made a motion to endorse the Moore County Board of Commissioners to approve a two year vesting of a Conditional Use Permit for the use of veterinary clinic on the parcel known as ParID#97000323 with the condition that should the Zoning Administration, Building Inspector, Environmental Health, Public Utilities, or the Fire Marshal identify minor changes staff shall be authorized to accept such minor modifications to the site plan as necessary. The veterinary clinic shall not include outdoor kennels, and the applicant shall have two (2) years to occupy the entire building through vested rights approval. The motion was seconded by Board Member Horne and the motion passed unanimously (6-0).

## **WORKS SESSION**

Theresa Thompson reviewed Article 1, 2, 8, and 9 during the work session.

### **Article 1**

This article was decreased to make the language to the point and meet statutory and legal requirements. Bona Fide farms have been removed from this section and included in the Specific Use Standards article along with Compliance Required items.

### **Article 2**

This article was cleaned up and the entire chapter is based on general statutes.

### **Article 8**

This article was decreased to be more business friendly while still addressing safety issues and protecting residential properties. Parking Uses and Requirements was condensed. The Enforcement of Junk Vehicles was removed and The Storage of Mobile Homes was moved to the screening chapter. Driveway changes will be brought back after review of NCDOT recommendations.

Board Member Scott mentioned that the definition of Trailer needs to be narrowed down.

### **Article 9**

In the Zoning section Site Plan Requirements included the combination of residential and non residential site plan requirements because the requirement of a professional engineer to develop a site plan was removed. In the Signs section the language was condensed as well as compliant with recent legislation.

## **OTHER BOARD MATTERS**

There was no discussion.



## **PLANNING DEPARTMENT REPORTS**

Planning Director Debra Ensminger reported that the Work Session will continue next month. Also Lydia Cleveland will send a performance survey to each of the Board Members asking for honest feedback of how staff are performing.

## **BOARD COMMENT PERIOD**

There was no discussion.

## **ADJOURNMENT**

Respectfully submitted by,

Lydia Cleveland

**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
Planning & Transportation Services Director

**DATE:** October 2, 2015

**SUBJECT:** Unified Development Ordinance Text Amendment to:  
Article 7 (Table of Uses), Section 7.1 (Use Table)

**PRESENTER:** Theresa Thompson, Planner

**REQUEST**

Moore County Planning Staff is proposing adding the following language to the Moore County Unified Development Ordinance:

Section 7.1.105      Any use not specifically listed in the Table of Uses is prohibited.

**SUMMARY OF CHANGES**

Currently, the UDO does not stipulate that uses not listed in the Table of Uses are prohibited. Consequently, the UDO may be interpreted that such uses are not regulated by the UDO and therefore do not require zoning approval. The proposed text amendment seeks to clarify that any uses not listed are prohibited within Moore County's zoning jurisdiction.

**CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN**

A Board Consistency Statement is included for the Board's review and consideration.

**RECOMMENDATION SUMMARY**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to adopt/reject the attached Moore County Planning Board Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend/not recommend the Moore County Board of Commissioners amend the Moore County Unified Development Ordinance to Article 7 as proposed and that the proposed amendment is/is not consistent with the adopted 2013 Land Use Plan.

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Text Amendments to:**  
**Article 7 (Table of Uses)**

The Moore County Planning Board recommends approval of the request by the Moore County Planning Department to amend Article 7 within the Moore County Unified Development Ordinance and advises that the amendments are consistent with the following goals in the 2013 Moore County Land Use Plan.

Goal 4: Provide Information and Seek Citizen Participation

- Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout government departments.

---

Rich Smith, Chairman  
Moore County Planning Board

---

Date

Agenda Item: \_\_\_\_\_  
Meeting Date: November 5, 2015

**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
Planning & Transportation Services Director

**DATE:** October 30, 2015

**SUBJECT:** UDO Text Amendment Review: Article 24. Subdivisions

**PRESENTER:** Theresa Thompson

The proposed “Subdivisions” language includes each type of subdivision offered in Moore County including Exemptions, Family, Minor, and Major Subdivisions into one chapter. The proposed language seeks to clarify and streamline the approval process for each type of subdivision and associated regulations.

## ARTICLE 24

### SUBDIVISIONS

#### 24.1 Purpose

In accordance with NCGS 153A-331(a), the purpose of this chapter shall be to establish procedures and standards for the subdivision of land within the jurisdiction of the County, and to provide for orderly growth in a manner and under conditions that facilitate the adequate provision of streets, water, sewage disposal, and other considerations essential to public health, safety, and the general welfare.

#### 24.2 Plats Shall be Required on Any Subdivision of Land

In accordance with NCGS 153A-331 and 332, plats shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place. No plat of a subdivision within the jurisdiction of the Moore County shall be recorded by the Register of Deeds of Moore County until it has been approved as provided within this Ordinance, and any other officially adopted plans and regulations.

#### 24.3 Exemptions to Subdivision Regulations

A. Applicability. In accordance with NCGS 153A-335, the following activities are not subject to the subdivision regulations of this Ordinance:

1. Combination / Recombination. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed zoning requirements, including but not limited to, minimum lot dimensional standards, as detailed in this Ordinance.
2. Divisions Greater Than Ten (10) Acres. The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved. ("Dedication" refers to public dedication and does not include a series of private streets or access easement to lot owners or a home owners association.)
3. Public Acquisitions / Right-of-Way. The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.
4. Two into Three Lots. The division of a tract in single ownership the entire area of which is no greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed zoning requirements, including but not limited to, minimum lot dimensional standards, as detailed in this Ordinance. (Note: "Single ownership"

*refers to all of the contiguous land owned by the qualifying owner does not exceed two acres.)*

5. Estate Exclusion. The division of land among heirs in order to settle an estate by will or by order of a court of jurisdiction in the settlement of a decedent's estate. *(Note: Unless such lots meet the standards of this Ordinance, a building permit shall not be issued.)* A copy of the will or order and associated documents shall be submitted to the Administrator for review. The Administrator may forward the documents to the County Attorney for additional review if necessary.
  6. Court Ordered Survey. The division of land pursuant to an Order of the General Court of Justice. A copy of the court order shall be submitted to the Administrator for review. The Administrator may forward the document to the County Attorney for additional review if necessary.
  7. Easement Plats. Access and utility easements may be platted and recorded as exemptions from subdivision regulations. *(Note: Easements are not subdivisions and are not required to be reviewed by the Administrator or Review Officer.)*
  8. Non-occupied Facilities. (Examples: Utility substations, septic tanks, family cemetery lots, dock access.) Individual lots are exempt from the minimum dimensional standards only. Each use shall comply with the applicable zoning district regulations including, but not limited to, setback and screening requirements.
- B. Exempt Plat Submittal Requirements. The exempt plat shall be submitted to the Administrator in conformance with the following provisions:
1. Meet all applicable requirements zoning requirements, including but not limited to the minimum lot dimensional standards of the underlying zoning district.
  2. Comply with NCGS 47-30, including but not limited to the applicable information required in Section 24.19 (Subdivision Plat Requirements).
  3. Include applicable statements required in Section 24.20 (Subdivision Plat Certificates and Statements).
- C. Action by the Administrator. The Administrator shall render decision within fourteen (14) working days after receipt of the completed plat and associated documents. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.
- D. Expiration of Plat Approval. Approval of an Exempt Subdivision plat is contingent upon the plat being recorded within sixty (60) days after the date the plat was signed by the Administrator. Failure to record the approved plat within the specified 60-day period shall render the plat null and void.

- E. Appeal. Final action on an Exempt Subdivision plat by the Administrator may be appealed to the Board of Adjustment in accordance with Section 13.1 (Administrative Appeals) of this Ordinance.

#### **24.4 Family Subdivisions**

- A. Applicability. Family Subdivisions involve the creation of lots for residential purposes which are to be deeded only to immediate family members and cannot be resold or deeded for three (3) years. Each lot, shall front on an existing public or private road or on an existing or new access easement. The existing or new access easement shall be a minimum of twenty (20) feet wide, including the shoulder area. *(Note: A minimum of 45 feet easement width is recommended to meet NCDOT's minimum right-of-way standard.)* For purposes of this section "immediate family members" shall be defined to include only: husbands, wives, mothers, fathers, brothers, sisters, children (biological, adopted, or step), grandmothers, grandfathers, grandchildren (biological, adopted, or step), aunts, uncles, nieces, and nephews.
- B. Family Plat Submittal Requirements. The family subdivision plat shall be submitted to the Administrator in conformance with the following provisions:
1. Meets all applicable zoning and subdivision requirements, including but not limited to, the minimum dimensional requirements of the underlying zoning district.
  2. Does not require the extension of a public water or sewer line other than laterals to serve individual lots.
  3. Complies with NCGS 47-30, including but not limited to the applicable information required in Section 24.19 (Subdivision Plat Requirements).
  4. Includes applicable statements required in Section 24.20 (Subdivision Plat Certificates and Statements).
- C. Additional Documents Submitted for Approval. The documents listed below shall be recorded at the same time as the family subdivision plat.
- a. Affidavit of Family Subdivision
  - b. Deed of Gift
  - c. Private Road Maintenance Agreement
1. Septic Suitability Certificate as determined by the Moore County Environmental Health Division or licensed soil scientist for each proposed family subdivision lot. **(MAKE OPTIONAL OR REQUIRE FOR ALL LOTS?)**
- D. Action by the Administrator. The Administrator shall render decision within fourteen (14) working days after receipt of the completed plat. The plat shall not be approved by the Administrator until all associated documents have been recorded in referenced on the plat. If no decision is rendered by the Administrator within the required fourteen day period, the applicant may refer the Family Subdivision plat to the

Subdivision Review Board for review. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

- E. Expiration of Plat Approval. Approval of a Family Subdivision plat is contingent upon the plat and associated documents being recorded within sixty (60) days after the date the “Certificate of Family Subdivision Plat Approval” statement is signed by the Administrator. Failure to record the approved plat and all associated documents within the specified 60-day period shall render the plat null and void.
- F. Appeal. Final action on a Family Subdivision plat by the Administrator may be appealed to the Board of Adjustment in accordance with Section 13.1 (Administrative Appeals) of this Ordinance.

## **24.5 Minor Subdivisions**

- A. Applicability.
  - 1. A Minor Subdivision creates a maximum of four (4) lots, including the residual or parent lot, on an existing public or private road, or on an existing, expanded, or new access easement. The existing, expanded, or new access easement shall be a minimum of twenty (20) feet wide, including the shoulder area. *(Note: A minimum of 45 feet easement width is recommended to meet NCDOT’s minimum right-of-way standard.)* The fifth (5th) lot fronting an existing, extended, or new access easement shall not be approved as a minor subdivision. Minors do not require a variance or waiver from any of the requirements of this UDO.
  - 2. Minor Subdivisions of four (4) lots may not be used again on the same parent parcel over a period of three (3) years or any property less than five hundred (500) feet from the original property boundaries by anyone who has owned, had an option on, or held any legal interest in the subdivision at the time the subdivision received plat approval for a period of three (3) years.
  - 3. The residual or parent lot counts as one of the subdivided lots for the purpose of determining whether the application for approval is to be treated as a major or minor subdivision.
  - 4. Flag Lots. All flag lots shall be designed such that no more than one flag lot exists within ~~150 feet~~ three hundred (300) feet of another flag lot. All flag lots shall have a minimum road frontage and minimum lot width of thirty (30) feet. The ‘flagpole’ portion of the lot is not used to calculate area, width, depth, and setbacks of the lot or to provide off-street parking.
- B. Minor Plat Submittal Requirements. The plat shall be submitted to the Administrator in conformance with the following provisions:
  - 1. Meets all applicable zoning and subdivision requirements, including but not limited to, the minimum dimensional requirements of the underlying zoning district.



2. Does not require the extension of a public water or sewer line other than laterals to serve more than four (4) individual lots.
3. ~~Does not necessitate the installation of drainage improvements that would require easements through the property not being subdivided.~~
4. Complies with NCGS 47-30, including but not limited to the applicable information required in Section 24.19 (Subdivision Plat Requirements).
5. Includes applicable statements required in Section 24.20 (Subdivision Plat Certificates and Statements).

C. Additional Documents Submitted for Approval.

1. NCDOT Driveway Approval (per NCGS 136-18(5) & 136-93)
2. Lots considered for minor subdivision status on an existing or new easement must obtain a Septic Suitability Certificate as determined by the Moore County Environmental Health Division or licensed soil scientist for each proposed lot accessing the easement. **(MAKE OPTIONAL OR REQUIRE FOR ALL LOTS?)**
3. Lots considered for minor subdivision status on an existing or new easement must complete the Private Road Maintenance Agreement to be recorded at the same time as the minor subdivision plat.

D. Action by the Administrator. The Administrator shall render decision within fourteen (14) working days after receipt of the completed plat. If no decision is rendered by the Administrator within the required fourteen day period, the applicant may refer the Minor Subdivision plat to the Subdivision Review Board for review. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval. The plat shall not be approved by the Administrator until all associated documents have been reviewed by the Subdivision Administrator.

E. Expiration of Plat Approval. Approval of a Minor Subdivision plat is contingent upon the plat being recorded within sixty (60) days after the date the "Certificate of Minor Subdivision" statement is signed by the Administrator. Failure to record the approved plat and all associated documents within the specified 60-day period shall render the Minor Subdivision plat null and void.

F. Appeal. Final action on a Minor Subdivision plat by the Administrator may be appealed to the Board of Adjustment in accordance with Section 13.1 (Administrative Appeals) of this Ordinance.

## **24.6 Major Subdivisions - Preliminary Plat Submittal and Review**

- A. Applicability. All subdivisions shall be considered major subdivisions except those defined as exempt, family, or minor subdivisions. Major subdivisions are further classified as follows:
1. A division of a lot of land into five (5) or more lots of land at initial time of division or accumulative over a period of three (3) years. The residual or parent lot counts as one of the subdivided lots for the purpose of determining whether the application for approval is to be treated as a major or minor subdivision;
  2. Creation, change, or expansion of a new or existing private or public streets;
  3. Majors shall be classified as a Conventional or Neighborhood Conservation Subdivisions; and
- B. Subdivision Review Approval Steps.
1. Preliminary Plat Submittal and Approval
  2. Construction Plan Submittal and Approval (or Improvement Guarantees approved by the Board of Commissioners)
  3. Installation and Inspections of Improvements
  4. As Built Drawings Submittal and Approval
  5. Final Plat Approval
- C. Preliminary Plat Submittal. The preliminary plat shall be submitted to the Administrator at least twenty (20) days prior to the Subdivision Review Board meeting. Preliminary plats shall meet the specifications in this Article and shall be submitted as either a Neighborhood Conservation (Section 24.15) or Conventional Subdivision (Section 24.16).
1. Meet all applicable zoning and subdivision requirements, including but not limited to, the minimum dimensional requirements of the underlying zoning district.
  2. The plat shall comply with NCGS 47-30, including but not limited to the applicable information required in Section 24.19 (Subdivision Plat Requirements).
  3. The plat shall include applicable statements required in Section 24.20 (Subdivision Plat Certificates and Statements).
- D. Action by the Administrator. The Administrator shall review the preliminary plat and within ten (10) days provide comments to the applicant. Plats shall not be forwarded to the Subdivision Review Board for review and approval until all deficiencies have been corrected.
- E. Agency Review. Before the preliminary plat is approved, the Administrator shall consult with other applicable departments and agencies, if applicable, to ensure

conformance of the proposed subdivision with the various development standards set forth by county and state agencies, including but not limited to:

1. Regional Land Use Advisory Commission – In accordance to Section 11.3 D. (Fort Bragg Notification)
  2. Superintendent of Schools and/or Board of Education
  3. North Carolina Department of Environmental & Natural Resources
  4. Army Corp of Engineers
  5. North Carolina Department of Transportation
  6. Moore County Environmental Health
  7. Moore County Public Utilities
  8. Moore County Building Inspections
  9. Moore County Fire Marshal
  10. Moore County 911 Addressing
- F. Waivers. An applicant may request a waiver from the requirements listed in this Chapter in accordance with Section 024.14 (Waiver from Subdivision Regulations) of this Ordinance.
- G. Action by the Subdivision Review Board (SRB). The applicant shall submit fifteen (15) copies of the preliminary plat (24"X36") at least ten (10) days prior to the meeting. The SRB shall review the preliminary plat and shall approve, approve conditionally with modifications to bring the plat into compliance, or disapprove the plat.
- H. Approval. If approval is granted, written confirmation shall be made on two (2) copies of the preliminary plat. One copy of the approved preliminary plat shall be returned to the applicant. Approval of the preliminary plat is authorization for the applicant to proceed with the construction of the necessary improvements.
- I. Conditional Approval. If the SRB approves the preliminary plat with conditions, the conditions shall be noted on the plat.
- J. Denial. If the SRB disapproves the preliminary plat, the reasons for such action shall be stated in writing and references shall be made to the specific regulations with which the preliminary plat does not comply and possible modifications may be indicated for further considerations. The applicant may make the recommended revisions and submit a revised preliminary.
- K. Expiration. Preliminary plat approval shall be valid for a period of two (2) years from the date of approval of the plat by the SRB unless an extension of time is applied for and granted by the SRB. Each successive final plat for a phase of the subdivision shall be submitted for approval within two (2) years of the date of approval of the previous final plat for a stage of the subdivision.

- L. Appeal. Final action on a Major Subdivision plat by the Subdivision Review Board may be appealed Board of Adjustments in accordance with Section 13.1 (Administrative Appeals) of this Ordinance.

#### **24.7 Major Subdivisions - Design Standards as Shown on Preliminary Plat**

- A. Conformity to existing maps or plans. The plat shall conform to any official map or plan adopted by the Board of Commissioners.
- B. Topography. The general design of the subdivision shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients. Steep slopes (15% or greater) shall be labels on the preliminary plat.
- C. Suitability of Land. Land which has been determined by the SRB on the basis of engineering or other expert surveys or studies to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the applicant has taken the necessary measures to correct said conditions and to eliminate said dangers. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Moore County Health Department or a qualified licensed professional determine that the land is suitable for the purpose proposed.
- D. Street Design Standards. Subdivision streets shall be designated public or private and are subject to the following standards:
1. NCDOT & Fire Marshal. All streets and related components, including but not limited to storm water controls, drainage, curb and gutter, wheel chair ramps, pavement designs, traffic controls, guardrail, road intersections, islands or short medians at entrances, name markers, and minimum design criteria, shall be designed, constructed, and paved in accordance with the most current edition of NCDOT's "Subdivision Roads Minimum Construction Standards" as well as requirements from Moore County Public Safety per the "Moore County Fire Ordinance."
  2. Alternative Street Standards. The applicant may submit alternative street design standards (subject to NCDOT and Fire Marshal approval) that vary in response to proposed function of the street and the anticipated traffic volume.
  3. NCDOT Driveway approval. If any street proposed to access a state-maintained road, the subdivider shall receive driveway approval as required by NCDOT's "Policy on Street and Driveway Access to North Carolina Highways" prior to construction and/or final plat approval.
  4. Street names. All roads shall comply with the applicable provisions of the "Moore County Road Name and Addressing Ordinance." All new street names must receive final approval by the Board of Commissioners.

5. Traffic Signs and Control (including street name signs). The applicant shall be required to provide and erect, at the developer's expense, street name signs and traffic controls to State and County standards at all intersections within the subdivision.
  6. Dead-End Streets. Dead-end roads shall be terminated in a cul-de-sac or "T" turnaround.
- E. Water and Sewer Options. All water and sewer systems shall be installed in accordance with County specifications and standards. Major subdivisions of twenty (20) or more lots are required to install and connect to public water and/or sewer. Should private water and sewerage systems be provided (allowable only in areas where County services are not available), such shall meet the requirements of the health regulations of the State of North Carolina and of Moore County. Water supply and sewage disposal facilities to serve Major Subdivision developments may be provided through the use of:
1. Individual wells and septic tanks provided either on each lot or in off-lot locations protected through recorded easements (for subdivisions proposing nineteen or less lots); or
  2. A community water and/or sewage disposal system designed, constructed, and maintained in conformity with all applicable County, State and Federal standards, regulations, and policies; or
  3. Connection to a water and/or sewage disposal system operated by the County of Moore. System extensions are permitted only in accordance with applicable water, sewer and land use policies; or
  4. A combination of the above alternatives.
- F. Fire Service. Major residential subdivisions of twenty (20) or more lots and nonresidential subdivisions shall provide for fire service. Where in the opinion of the Subdivision Review Board a major subdivision of twenty or more lots cannot be economically connected to a County owned or operated water distribution system, a privately owned water supply, including hydrants, must be installed with a minimum of six inch water lines capable of delivering fire service flows. The Subdivision Review Board, subject to the approval of Emergency Services or the authority having jurisdiction, may authorize the use of water bodies on site in lieu of six inch lines with hydrants. Fire service flows and hydrant design and placement shall be consistent with all Fire Prevention Codes and policy manuals as set forth by Emergency Services or the authority having jurisdiction and the appropriate local utility provider. Unless authorized by the Subdivision Review Board and/or directed otherwise by design manuals of the local utility provider, the following standards shall apply.
1. All fire hydrants shall be installed on a minimum six-inch waterline.
  2. There shall be at least one fire hydrant at each street intersection.

3. Valves associated with fire hydrant assemblies shall be located within 12 to 25 feet of the edge of the pavement.
4. No fire hydrant may be located more than 25 feet from the pavement edge.
5. The applicant shall adhere to the following spacing schedule. Separation shall be measured along street centerlines.

PROPOSED USE	SPACING (FEET)
Residential (<6 units per acre)	1000
Residential (>6 units per acre)	500
Schools	300
Low and medium density nonresidential, single story	500
High density and multi-story nonresidential	300

6. When schools and high-density and multi-story nonresidential intersections are less than 450 feet apart, a hydrant is not required between intersections.
7. Where intersections are less than or equal to 1200 feet apart in low density residential developments, no hydrant is required between the intersections.

- F. Storm water Controls. All residential subdivisions, regardless of located in a watershed, shall have systems designed to protect to the ten (10) storm level, and commercial and industrial subdivisions shall be protected to the twenty-five (25) year storm level and shall be designed and constructed to NCDOT standards.
- G. Utility Easements. Easements for underground or above ground utilities shall be provided where needed and of such a width which meets local, NCDOT, and utility company standards. Where easements are necessary across land, they shall be located to the extent possible along property lines.
- H. Underground Utilities. All new utilities associated with the proposed development shall be underground unless just cause requires otherwise as approved by the Subdivision Review Board. Such underground utilities shall be designed and constructed to local, state, and utility company standards.
- I. Oversized Improvements. Oversized Improvements. The County may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is a part of the Long Range Utility Plan and the extension is in the interest of future development. If funds are budgeted by the County for this purpose, the installation of improvements in excess of the standards required in this Ordinance the County may pay the cost differential between the improvement required and the standards in this Ordinance.
- J. Lots. Double frontage lots or through lots shall be avoided. Cul-de-sac bulb lots shall have a minimum frontage of 50 feet.
- K. Reservation of School Site. If the Moore County Board of County Commissioners and Board of Education have jointly determined the specific location and size of any

school sites to be reserved, the Administrator shall notify the Board of Education whenever a preliminary plat is submitted which includes all or part of a school site to be reserved. It shall then notify the Administrator whether or not it wishes to reserve the site. If it does, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months beginning on the date of preliminary approval of the subdivision within which to acquire the site by purchase or by exercise of the power of eminent domain. If the Board of Education has not purchased or begun proceeding to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation.

#### **24.8 Major Subdivision - Construction Process**

- A. Construction Plan Submittal. Following preliminary plat approval, the subdivider shall submit eight (8) paper copies and a digital copy of the construction plans to the Administrator. Licensed Professional Engineer design and certification are required on all construction related plans, including but not limited to streets, stormwater controls, drainage, and utilities (storm sewers, sanitary sewers, water systems, electric, cable, natural gas, telephone, etc.)
- B. Agency Review. The construction plans shall be reviewed and approved by the appropriate departments and agencies prior to the start of construction and/or the submission of the final plat. The subdivider shall submit all required state permit approvals to the Administrator before construction begins, including but not limited to NCDENR, Army Corp of Engineers, and NCDOT.
- C. Soil Evaluation Report. The subdivider shall submit a report including a lot-by-lot evaluation, signed, sealed, and dated from a licensed soil scientist, for septic system capacity. The report must show that each proposed lot has been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq. The evaluation should note whether there is adequate space for an on-site individual private water source and an on-site subsurface sewage treatment and disposal system, if needed. If the developer proposes a system that would treat a flow of 3,000 GPD or greater, and therefore would require state approval, a letter from the State would also be required to be submitted for final plat approval.
- D. Start of Construction. The applicant, prior to commencing any work within the subdivision, shall make arrangements with the Administrator to provide for adequate inspections.
- E. Inspections. No final plat shall be approved until all required infrastructure have been inspected, consistent with the schedule arrangement agreed upon, and have received final inspection approval or appropriate surety has been provided. Upon completion of public or private streets the developer shall submit confirmation by the NCDOT or a registered engineer, that the roads have been constructed to NCDOT standards.

- F. Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements. Before approval of the final plat or before the release of improvements guarantees, the applicant shall acquire the services of a licensed engineer to supervise the construction, inspect upon completion, and certify in writing to the Administrator that the improvements have, in fact, been installed in accordance with the requirements of this UDO, with the preliminary plat, and with the Division of Highway's Minimum Construction Standards, or explanations and drawings of any necessary changes.
- G. As-Built. As-built drawings shall meet the requirements of the appropriate agency involved. No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met and as-built drawings of all improvements have been submitted and approved by the appropriate agencies.

#### **24.9 Major Subdivisions – Option 1 - Conservation Design Standards**

- A. Purpose. The purpose of the conservation option is to preserve open space that might be lost through conventional development approaches. To accomplish this goal, greater flexibility and creativity in the design of such developments is encouraged and allowed.
- B. Applicability. The conservation option is permitted in all residential zoning districts. All conservation subdivision plats shall comply with the requirements and standards specified in this Chapter and in all respects with other applicable codes and Ordinances. The stricter standards shall apply.
- C. Minimum Open Space Required. At least thirty (30%) percent of the total land area shall be set aside as protected open space. At least sixty percent (60%) of the required open space shall be contiguous. The right-of-way area is not included in the calculation of minimum open space required. Open space shall be comprised of one (1) or more of the following types:
1. Sensitive environmental features, which shall be delineated before final plat approval by a licensed engineer, including wetlands and floodplains. Water bodies such as lakes, ponds, and floodways shall not exceed fifty percent (50%) of the required open space.
  2. Vegetative Buffers which screen the view of development and preserve the character of rural public roads provided such buffer is not less than twenty five (25) feet and are not within a privately-owned lot or public right-of-way.
  3. Woodlands including forest land for the planting and production of trees and timber.
  4. Agriculture, silviculture, horticulture, woodland, pasture land, and/or farmland which can be leased for operation purposes only. The lease shall be subject to the approval of the POA.



5. Steep slopes as those greater than twenty-five percent (25%), identified as part of a site analysis conducted by a registered professional.
6. Natural areas, particularly those containing unique plants and wildlife habitats and corridors identified as part of a Natural Heritage Inventory (NHI), a required Environmental Assessment or Environmental Impact Statement; and/or an independent site study conducted by a trained botanist and/or biologist.
7. Historic and archaeological sites as listed on a official register or as determined by a trained architectural historian or archaeologist.
8. Public and/or private active recreation areas such as parks, golf courses, playing fields, playgrounds, swimming pools, tennis courts, and similar sports. Impervious surface area is limited to ten percent (10%) of the total opens space. Areas in access shall be located outside of the protected open space.
9. Public and/or private passive recreation areas such as pedestrian, bicycle, and equestrian trails, picnic areas, community commons, and similar kinds of areas. Passive or active recreation areas shall be located so as to provide accessibility to all residents of the subdivision.
10. Storm water management facilities, when they are designed to look like natural areas, provided the total area of water surface does not comprise more than fifty percent (50%) of the required open space.
11. Easements for drainage, access, and underground utility lines.

D. Ownership of Open Space. Land dedicated for public or private recreation and / or open space shall be designated on both the preliminary and final plat(s) of the subdivision. All open space shall be permanently restricted from further subdivision. Open space shall be owned and/or administered by one (1) or more of the following methods:

1. Fee simple dedication to a public government entity or a private non-profit land conservancy which public access shall be provided.
2. Dedication of conservation easements a public government entity or a private non-profit land conservancy.
3. Ownership by a property owners association (POA) where specific development restrictions and maintenance requirements are included as part of its bylaws and restrictive covenants filed in the Register of Deeds Office.
4. A private landowner may retain ownership of the open space, provided a conservation easement established for that express purpose is recorded in the public records of Moore County prior to the approval of a plat or issuance of a building permit for a vertical structure on the property. The responsibility for maintaining the open space and any facilities shall be borne by the private land owner.

E. Maintenance of Open Space. Natural features shall be maintained in their natural condition, but may be modified to improve their appearance, functioning, or overall

condition. Permitted modifications may include: reforestation, forest management, pasture or cropland management, Buffer area landscaping, stream bank protection, wetlands management, understory clearing, select clearing of meadows; and/or creation of wildlife habitat. Unless accepted for dedication to a public government entity or a private non-profit land conservancy, the cost and responsibility of maintaining open space and any facilities located thereon shall be by the property owner and/or property owners association.

- F. Permitted Density. Each lot size shall be calculated based on minimum lot size permitted in the zoning district and gross acreage of the site to be developed. To achieve this density, minimum lot size may be reduced provided that each lot meets any minimum area requirements for public health purposes, and all other provisions of this Article, are met. All lots shall be required to meet County Health Department requirements as well as NC State requirements for septic system installation.

Permitted Density = Gross Area of Project Site / minimum lot size of zoning district

**Example**

Gross Area of Project Site	100 acres (4,356,000 square feet)
Minimum Lot Size of the Zoning District	43,560 square feet (RA zoning district)
Permitted Density	100 dwelling units per acre
Total Number of units permitted	100 units

- G. Bonuses. In the event that a developer seeks to contribute additional open space the developer will receive an additional density bonus based on the following scale:

Open Space Bonus	
Provided	Bonus %
30%	0%
31% - 35%	10%
36% - 40%	15%
41% - 45%	20%
46% - 50%	25%

No additional units will be granted in the form of a density bonus for additional open space beyond fifty percent (50%) of the total site (gross area).

#### **24.10 Conventional Subdivision Design Standards**

- A. Applicability. The conventional subdivision option is permitted in all residential zoning districts shall comply with the requirements and standards specified in this chapter and in all respects with other applicable codes and Ordinances. The stricter standards shall apply.
- B. Clearing & Grading Limits. A maximum disturbance area of no more than 75% of a lot within a Conventional Option Subdivision may be cleared of natural vegetation or otherwise disturbed. This would allow for 25% of each lot to be preserved. Clearing and grading limit line shall be delineated on each lot.
- C. Recreational Requirements. At least 5% of the tract to be subdivided must be preserved as public or private recreation and/or open space including the preservation of natural and cultural resources and/or to serve the leisure needs of the residents of the subdivision. Passive or active recreation areas shall be located so as to provide accessibility to all residents of the subdivision. Recreation and open space areas shall adhere to the standards set forth in Section 24.9 D. & E.
- D. Payments in Lieu of Dedication of Recreation Requirements. Recreation and/ or open space required for conventional subdivisions may make a payment in lieu of dedication or make a combination of land dedicated and payment. Before approving a payment in lieu of dedication, the Subdivision Review Board shall find that no recreation/open space sites have been designated on any officially adopted Recreation Plan. The payment of such fees in lieu of land dedication shall be reviewed and approved as part of the preliminary plat. The Moore County Parks and Recreation Board shall submit any and all recommendations concerning the payment of fees in lieu of dedication to the Subdivision Review Board. The fees in lieu of dedication shall be paid prior to final plat approval. The amount of the payment shall be the product of the number of acres to be dedicated and the assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time such payment is due to be paid. All monies received by the County pursuant to this Section shall be used only for the acquisition or development of parks, greenways, open space sites, and related facilities.

#### **24.11 Major Subdivisions – Final Plat Submittal**

- A. Final Plat Submittal Requirements. The final plat shall conform substantially to the approved preliminary plat. If the submitted final plat deviates in its overall design from the approved preliminary plat, the plat shall be reviewed by the Subdivision Review Board following the same review and approval procedures set forth in Section 24.6(B) for preliminary plats.
- B. Inspection of Required Infrastructure. No final plat shall be approved until all required infrastructure have been installed and approved or appropriate surety has been provided.

- C. Action by the Administrator. The Administrator shall take expeditious action on a final plat. If the Administrator fails to act within fifteen (15) business days after the final plat is submitted, the applicant may request that the final plat be reviewed by the Subdivision Review Board.
- D. Approval. The Administrator shall approve the final plat unless the plat fails to comply with one or more of the requirements of this Ordinance or that the final plat differs substantially from the plans and specifications approved for the preliminary plat.
- E. Denial. If the final plat is disapproved by the Administrator, the applicant shall be furnished with a written statement of the reasons for the disapproval and reference shall be made to the specific section(s) of this Ordinance with which the plat does not comply.
- F. Appeal. If a final plat is disapproved by the Administrator, the applicant may appeal the decision by requesting that the final plat be scheduled for review by the Subdivision Review Board. If the SRB disapproves the final plat the applicant may appeal to the Board of Adjustments.
- G. Expiration of Final Plat. Approval of a final plat is contingent upon the plat being recorded in the Office of the Register of Deeds within sixty (60) days after the approval date of the final plat. Failure to record the approved plat within the specified 60-day period shall render the plat null and void.

#### **24.12 Phasing.**

- A. Adequate Facilities. The Subdivision Review Board may not approve a phasing plan if they determine such phasing will not provide for adequate facilities to support any such phase or phases independent of the overall subdivision plan. Additional streets, water and sewer facilities or other required public facilities may be required to be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase(s) independent of any future subdivision development.
- B. NCDOT Approval of Public Streets. Subsequent phasing shall not be approved until a written request to the Department of Transportation has been made for acceptance of all proposed public streets/roads in the previous phase. Further, all roads in any new phase of a subdivision are to be guaranteed until accepted for maintenance by NCDOT. The amount of this guarantee shall be for at least fifty (50%) of the total costs of construction of the subdivision road. Once a subdivision road is accepted for maintenance by NCDOT, through written confirmation by NCDOT, this guarantee may be released.
- C. Plat Detail. When a subdivision is to be developed in phases the preliminary plat shall be submitted for the entire development. The boundary of each phase shall be shown on the preliminary plat. A final plat shall be submitted for each phase.

- D. Expiration. Each successive final plat for a phase of the subdivision shall be submitted for approval within twenty-four (24) months of the date of approval of the previous final plat for a stage of the subdivision.

#### **24.13 Improvement Guarantees for Major Subdivisions**

- A. Agreement and Security Required. In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the County of Moore may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Zoning Administrator, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Board of County Commissioners, either one, or a combination of the guarantees listed in this section equal to 1.25 times the entire cost as estimated by contractors under contract, by bids from licensed contractors, or by the subdivider's Licensed Professional.
1. Surety Performance Bonds. The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the County of Moore and shall be in an amount equal to 1.25 times the entire cost of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Board of County Commissioners.
  2. Cash or Equivalent Security. The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with Moore County or in escrow with a financial institution designated as an official depository of Moore County. The use of any instrument other than cash shall be subject to the approval of the Board of County Commissioners. The amount of deposit shall be equal to 1.25 times the cost of installing all required improvements. The Board of County Commissioners shall approve the bond amount. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Board of County Commissioners an agreement between the financial institution and himself/herself guaranteeing the following:
    - I. That said escrow account shall be held in trust until released by the Board of County Commissioners and may not be used or pledged by the subdivider in any other manner during the term of the escrow; and
    - II. That in the case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the Board of County Commissioners and submission by the Board to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to Moore County the

funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

- B. Default. Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety or the financial institute holding the escrow account shall, if requested by the County, pay all or any portion of the bond or escrow fund to the County of Moore up to the amount needed to complete the improvements based on an estimate. Upon payment, the Board of County Commissioners in its discretion may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements.
- C. Release of Guarantee Security. The Board of Commissioners may release a portion or all of any performance security posted as the improvements are completed and recommended for approval by the Zoning Administrator, after he/she has received the required statement from a Licensed Professional.

#### **24.14 Waiver from Subdivision Regulations**

- A. Applicability. Where the Subdivision Review Board finds that extraordinary hardships or practical difficulties may result from strict compliance with this Chapter, and the intent of this Ordinance may be served to a greater extent by an alternative proposal, a waiver may be granted.
- B. Submittal Process. Application shall be submitted concurrently with the application for preliminary plat review. An application shall also contain a statement by the subdivider explaining the reasons for a request for a waiver from the subdivision regulations.
- C. Action by the Administrator. Once the application and plat have been deemed complete the Administrator shall schedule a Subdivision Review Board meeting for a review of requested waiver and preliminary subdivision plat.
- D. Action by the Subdivision Review Board. The SRB shall review the request waiver from the subdivision regulations concurrently with the preliminary plat. The findings and recommendations of the Administrator, and any other reports or recommendations pertaining to the plat and waiver request shall be used by the SRB when reviewing waiver requests. The SRB may approve, approve with conditions, or disapprove the request for a waiver from the subdivision regulations. The SRB shall review and take action on each preliminary plat within sixty days after first consideration by the SRB. If the SRB conditionally approves the waiver request and preliminary plat, the conditions and reasons thereof shall be stated in writing. If the SRB disapproves the waiver request, the reasons for disapproval shall be stated in writing. The applicant may make the recommended revisions and submit a revised preliminary.

E. Approval Criteria. A waiver may be granted during the preliminary plat approval process if one of the following circumstances exist:

1. Physical Hardship. Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other physical conditions peculiar to the site, strict compliance with the provisions of the Ordinance would cause practical difficulties on the subdivider above and beyond what other subdividers would face.
2. Equal or Better Performance. Where, in the opinion of the Subdivision Review Board, a variance will result in equal or better performance in furtherance of the purposes of this UDO.

## 24.15 Subdivision Plat Requirements

An 'X' indicates that the information is required.

Information Required	Exempt Plat	Family Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
<b>Map Size and Materials</b>					
Plat is 18X24", 21X30", or 24X36" in size	X	X	X	X	X
Min. margin 1½" on left side, ½" on all other sides	X	X	X	X	X
Legible black ink on mylar	X	X	X	X	X
<b>Title Block</b>					
Property Designation / Name of Subdivision	X	X	X	X	X
Type of plat (minor plat, preliminary plat, etc.)		X	X	X	X
Name of Property Owner	X	X	X	X	X
Township, County and State	X	X	X	X	X
Date the survey was prepared & any revision dates	X	X	X	X	X
Scale in words (Ex. 1"=200 feet)	X	X	X	X	X
Bar graph	X	X	X	X	X
Name, address, and telephone # of surveyor	X	X	X	X	X
The names, addresses, and telephone # of all owners, surveyors, architects, and engineers responsible for the subdivision				X	X
<b>General Information</b>					
Zoning district(s) of property & adjacent properties		X	X	X	X
Parcel ID Number(s)		X	X	X	X
Plat book and/or deed book reference	X	X	X	X	X
Names of adjacent property owners	X	X	X	X	X
Vicinity map	X	X	X	X	X
Corporate limits & county lines	X	X	X	X	X
Surveyor's original signature, seal, & registration #	X	X	X	X	X
North arrow and orientation	X	X	X	X	X
Course and distance of existing and proposed property lines (label old property lines)	X	X	X	X	X
Tied to nearest street intersection if within 300 feet		X	X	X	X
Tied to USGS marker if within 2000 feet	X	X	X	X	X
Location and description of all monuments, markers and control corners		X	X	X	X



Information Required	Exempt Plat	Family Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
Minimum 2 control corners present when creating a new road right-of-way	✕	✕	✕	✕	✕
Location of all existing and proposed buildings including distance to property lines	✕	✕	✕	✕	✕
Square footage of all lots under 1 acre in size and acreage for all lots over 1 acre in size		✕	✕	✕	✕
Lots numbered consecutively		✕	✕	✕	✕
Lines not surveyed must be clearly indicated (include source data)	✕	✕	✕	✕	✕
All mapping shall comply with NCGS 47-30	✕	✕	✕	✕	✕
Required Certificates	See Section 25.16 for certificate requirements.				
If more than one sheet, each sheet must be signed, sealed, and numbered (ex. 1 of 3, 2 of 3, 3 of 3)					
Amenities & Natural Features Layout					
Location, dimension, and details of proposed recreation areas and facilities (golf courses, clubhouses, pools, tennis courts, playgrounds, etc.)				✕	✕
Required landscaping / perimeter buffer				✕	✕
Riding trails, pedestrian, or bicycle paths				✕	✕
Areas to dedicated as common area or open space – label the future ownership (HOA, dedication for public use to governmental body, etc.)				✕	✕
Areas to be used for uses other than residential				✕	✕
Name and location of any property or building on the National Register of Historic Places				✕	✕
Wetlands, marshes, rock outcrops, pond, lakes, streams, railroads, bridges and any other features affecting the site		✕	✕	✕	
Location of any floodplain areas as shown on FEMA Flood Insurance Rate Maps	✕	✕	✕	✕	✕
Existing and proposed topography of tract and 100 feet beyond property showing contour intervals of no greater than 5 feet				✕	
Existing and proposed signs				✕	✕
Utility Layout					
A note indicating that the proposed subdivision will be served by either a central or individual water supply		✕	✕	✕	
A note indicating that the proposed subdivision will be served by either a central or individual sewer / septic system					

Information Required	Exempt Plat	Family Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
Water & Sewer - Connections to existing systems, line sizes, material of lines, blowoff & valves, manholes, catch basins, force mains, location of fire hydrants				✕	
Storm drains, swales, detention ponds, & other drainage facilities, if any				✕	
Natural gas lines				✕	
Electric Lines				✕	
Telephone Lines, Cable TV, etc.				✕	
Utility and other easements				✕	
Any additional determined by reviewing agencies that may be required to review plat				✕	
Street Layout					
Proposed and existing right-of-ways – label public or private streets	✕	✕	✕	✕	✕
Right-of-way & pavement location, widths, & dimensions		✕	✕	✕	✕
Cul-de-sac pavement diameter				✕	
Approximate grades				✕	
Typical cross section(s)				✕	
Existing and proposed street names				✕	✕
Location of required street trees (or include a detail drawing of tree layout)				✕	✕
Subdivision Information & Calculations Table					
Classification of Watershed Overlay District		✕	✕	✕	✕
Existing & Proposed use(s) of land				✕	
Existing & Proposed zoning classification(s)				✕	
Front, side, rear setback requirements				✕	
Acreage in total tract to be subdivided		✕	✕	✕	
Acreage in recreation & open space (label)				✕	
Total number of lots proposed		✕	✕	✕	
Square footage of smallest lot in the subdivision				✕	
Linear feet in streets				✕	
Percent of entire project to be covered with impervious surfaces				✕	✕
Separate impervious surface totals by streets, sidewalks, maximum allowed for each lot, etc.				✕	✕

<b>Information Required</b>	<b>Exempt Plat</b>	<b>Family Plat</b>	<b>Minor Plat</b>	<b>Major Prelim. Plat</b>	<b>Major Final Plat</b>
Separate impervious surface totals by phase				<b>x</b>	<b>x</b>
<b>Permits and other documentation required before Final Plat Approval</b>					
Construction plans for all infrastructure / improvements (such as streets, water, sewer, hydrants, stormwater, etc. Approval is required by appropriate agencies before construction begins)					<b>x</b>
Inspection results of all improvements					<b>x</b>
As built drawings of all improvements					<b>x</b>
NCDENR Approval of the Sediment & Erosion Control Plan (if disturbing more than 1 acre)					<b>x</b>
NCDOT Approval of Driveway Access Permit			<b>x</b>		<b>x</b>
Wetland delineation of property					<b>x</b>
US Army Corp of Engineers Approval of earth disturbing activities in Wetlands (if applicable)			<b>x</b>		<b>x</b>
Submit copy of HOA agreement to be approved by County Attorney					<b>x</b>
Affidavit of Family Subdivision		<b>x</b>			
Deed of Gift		<b>x</b>			
Private Road Maintenance Agreement, if applicable		<b>x</b>	<b>x</b>		
Any other information the Administrator deems necessary to determine compliance with this Ordinance				<b>x</b>	<b>x</b>
Any other information considered by the Subdivision Review Board pertinent				<b>x</b>	<b>x</b>

## 24.16 Subdivision Plat Requirements

An 'X' indicates that the information is required. The Administrator may waive items if it is determined that they are not applicable.

Type of Certificate or Statement	Exempt Plat	Family Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
Certificate of Survey Accuracy	X	X	X	X	X
Certificate of Purpose of Plat	X	X	X	X	X
Review Officer Certification	X	X	X	X	X
Certificate of Ownership		X	X		
Certificate of Ownership and Dedication				X	X
Certificate of Exemption	X				
Exemption 153A-335 Compliance Statement	X				
Certificate of Family Subdivision Plat Approval		X			
Family Documents Deed References		X			
Septic Suitability Certificate Statement		X	X		
Voluntary Agricultural District Proximity Statement		X	X	X	X
Public Water Supply Watershed Protection Statement		X	X	X	X
Certificate of Minor Subdivision Plat			X		
Certificate of Preliminary Major Subdivision Plat				X	
Certificate of Final Major Subdivision Plat Approval					X
NCDOT Div. of Highways District Engineer Certificate			X		X
Public Street Maintenance Disclosure Statement					X
Private Roads Disclosure Statement					X
Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements					X
Utilities Certificate			X		X
Sediment & Erosion Control Plan Certificate					X
Stormwater Control Certificate				X	X
Certificate of Soil Suitability					X
Certificate of Warranty					X
Statements such as "Preliminary, Not For Recording cannot be recorded.					

## Certificate of Survey and Accuracy

I, \_\_\_\_\_, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book \_\_\_\_\_, page \_\_\_\_\_, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_\_\_\_, page \_\_\_\_\_; that the ratio of precision as calculated is 1:\_\_\_\_\_; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, registration number and seal this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

Seal or Stamp of Surveyor

\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
Registration Number

## Certificate of Purpose of Plat

*The final plat shall contain one of the following statements, signed and sealed by the plat preparer:*

- a. This survey creates a subdivision of land within the jurisdictional area of Moore County, North Carolina and that the County has an Ordinance that regulates parcels of land;
- b. This survey is located in a portion of a County or Municipality that is unregulated as to an Ordinance that regulates parcels of land;
- c. Any one of the following:
  1. This survey is of an existing parcel or parcels of land and does not create a new road or change an existing street;
  2. This survey is of an existing building or other structure, or natural feature, such as a water course;
  3. This survey is a control survey;
- d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or
- e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

Signed: \_\_\_\_\_  
Surveyor

SEAL

Date: \_\_\_\_\_

## Review Officer Certification

State of North Carolina

I, \_\_\_\_\_, Review Officer of Moore County, North Carolina, certify that the map or plat which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Review Officer

\_\_\_\_\_  
Date

## Certificate of Ownership *(For Use with Family & Minor Plats Only)*

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision regulation jurisdiction of Moore County, North Carolina, and that I hereby freely adopt this plan of subdivision.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

## Certificate of Ownership and Dedication *(For Use with Major Plats Only)*

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision regulation jurisdiction of Moore County, North Carolina, that I hereby freely adopt this plan of subdivision and dedicate all streets, alleys, parks, open space, and other sites and easements to public or private use as noted, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Notarized)

\_\_\_\_\_  
Date

**Certificate of Exemption**

I hereby certify that the division of property shown and described hereon is exempt from the Moore County Subdivision Ordinance by definition and/or ordinance.

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date

**Exemption NCGS 153A-335 Compliance Statement**

Approval of this exempt subdivision plat constitutes compliance with North Carolina General Statute 153A-335 only. Further development of the parcels shown subsequent to the date of this plat shall be subject to all applicable Federal, State, and local laws, statutes, ordinances, and/or codes.

**Certificate of Family Subdivision Plat Approval**

I hereby certify that the family subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets or change in existing utilities, that the subdivision shown is in all respects in compliance with the Subdivision Regulations of Moore County, North Carolina, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Moore County Registry within sixty days of the date below.

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date

**Septic Suitability Certificate Statement**

I hereby certify that each new family subdivision lot has received a Septic Suitability Certificate from the Moore County Environmental Health Department or a licensed soil scientist.

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date

**Voluntary Agricultural Proximity Statement**

*The following statement shall be placed on all subdivision plats that include lots that are within one aerial mile of a Voluntary Agricultural District.*

These parcels are located near an area that is presently used for agricultural purposes. Normal agricultural operations may conflict with residential land use. NC Law (General Statutes Section 106-701) provides some protection for existing agricultural operations against nuisance laws.

**Certificate of Minor Subdivision Plat Approval**

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets or change in existing utilities, that the subdivision shown is in all respects in compliance with the Subdivision Regulations of Moore County, North Carolina, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Moore County Registry within sixty days of the date below.

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date

**Certificate of Preliminary Major Subdivision Plat Approval**

I hereby certify that the Subdivision Review Board of Moore County, North Carolina approved on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ the preliminary plan of subdivision as shown on this plat. Preliminary approval is valid for a period of ~~12~~ 24 months from the above date or as established under the vested rights procedures, if applicable.

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date



### **Certificate of Final Major Subdivision Plat Approval**

I hereby certify that the subdivision depicted hereon has been granted final approval pursuant to the Subdivision Regulations of Moore County, North Carolina subject to its being recorded in the Office of Register of Deeds within 60 days of the date below. I further certify that streets, utilities and other improvements have been installed in an acceptable manner and according to specifications of Moore County in the subdivision depicted hereon or that a performance bond or other sufficient surety in the amount of \$\_\_\_\_\_ has been posted with Moore County to assure completion of required improvements.

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date

### **NCDOT Division of Highways District Engineer Certificate**

I hereby certify that the streets as depicted hereon are/are not consistent with the requirements of the North Carolina Department of Transportation, Division of Highways.

\_\_\_\_\_  
District Engineer

\_\_\_\_\_  
Date

### **Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements**

*A. To be used when all improvements have been installed prior to final plat approval*

I hereby certify that I have inspected and find that all streets, utilities, and other required improvements as shown on the preliminary and final plats of the \_\_\_\_\_ Subdivision have been installed in an acceptable manner and according to County and State specification and standards.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Licensed Professional

\_\_\_\_\_  
Seal

\_\_\_\_\_  
Registration Number

*B. To be used when some, but not all, improvements have been installed prior to final plat approval*

I hereby certify that I have inspected and find that the following streets, utilities, and other required improvements as shown on the preliminary and final plats of the \_\_\_\_\_ Subdivision have been installed in an acceptable manner and according to County and State specification and standards.

*(List all inspected and approved improvements)*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Licensed Professional

Seal

\_\_\_\_\_  
Registration Number

**Private Streets Disclosure Statement**

1. *The following statement shall be placed on all subdivision plats that include private streets:*

‘The maintenance of streets designated on this plat as ‘private’ shall be the responsibility of property owners within this development having access to such roads. Private streets as shown hereon will not be included, for maintenance purposes, in the North Carolina highway system. Neither Moore County nor the North Carolina Department of Transportation will maintain a private street.’

**Utilities Certificate**

I hereby certify that the \_\_\_\_\_ improvements have been installed in an acceptable manner and in accordance with the requirements of the Subdivision Regulations of Moore County, North Carolina or that a performance bond or other sufficient surety has been provided to assure completion of the required improvements.

\_\_\_\_\_  
Signature of Authorized Agent  
of Utility Provider

\_\_\_\_\_  
Date

**Certificate Regarding Erosion and Sedimentation Control Plan**

*Where a subdivision of property does not require an Erosion and Sedimentation Control Plan as determined by licensed professional, the plat shall show the following certificate with signature*

I hereby certify that the subdivision of property shown and described hereon does not require an approved Erosion and Sedimentation Control Plan.

*(List all inspected and approved improvements)*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Licensed Professional

Seal

\_\_\_\_\_  
License Number

**Storm Water Control Statement**

I hereby certify that the subdivision of property shown and described hereon has systems designed to protect to the ten (or) twenty-five year storm level and were designed and constructed to NCDOT standards.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Licensed Professional

Seal

\_\_\_\_\_  
License Number

**Certificate of Warranty**

*(To be modified if signed by an officer of a corporation)*

I hereby certify that I know of no defects from any cause and will fully warrant all improvements which have been installed to be free from defects in material and workmanship for a period of one (1) year from this date. Any improvements yet to be installed I shall fully warrant in this same manner for a period of one (1) year from the date of the release of guarantees. In the event that defects are discovered in any such improvements during the warranty period, I shall replace and/or repair the defective improvements at my own expense.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivider

Attest: \_\_\_\_\_

Subdivision Administrator

\_\_\_\_\_  
County Clerk

**Public Water Supply Watershed Protection Certificate**

I certify that the plat shown hereon complies with the Moore County Watershed Ordinance and is approved by myself, as agent for the Watershed Review Board for recording in the Moore County Register of Deeds Office.

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date

NOTICE: This property is in Located within a Public Water Supply Watershed – Development Restrictions May Apply.

*Include the following when applicable*

Any engineered stormwater controls shown on this plat are to be operated and maintained by the property owners and/or a property owners' association pursuant to the Operation and Maintenance Agreement filed with the Office of the County Register of Deeds in Book \_\_\_\_ Page \_\_\_\_.'

**Public Street Maintenance Disclosure Statement**

*The following statement shall be placed on all subdivision plats that include newly constructed streets intended to be maintained by the NCDOT:*

'The maintenance of public street(s) shown on this plat is (are) intended to be the responsibility of the North Carolina Department of Transportation, provided that all requirements for acceptance are met. Until such time as the NCDOT accepts the street(s), I (We) will provide for necessary maintenance of the streets.'

---

Owner(s)

**Licensed Soil Scientist Certificate**

*The following statement shall be placed on all subdivision plats that include lots where access to public water and/or sewer are not available.*

I hereby certify that the lot(s) on this plat have been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq., and have found to have adequate space for an on-site individual private water source and on-site subsurface sewage treatment and disposal system. NOTE: Due to variations in siting specific uses and potential for changes in regulation or soil conditions, issuance of a Well Permit or Improvement Permit by Moore County Environmental Health is not guaranteed.

---

Date

Licensed Soil Scientist

---

License No.

NORTH CAROLINA  
MOORE COUNTY

AFFIDAVIT OF FAMILY SUBDIVISION

I/We \_\_\_\_\_ (Grantor(s)) and  
\_\_\_\_\_ (Grantee), having been first  
duly sworn upon oath do hereby certify that this division of land is made for the purpose of keeping the  
family estate within the immediate family, in conformance with Section \_\_\_\_\_ of the  
North Carolina General Statutes and the Moore County Unified Development Ordinance, and is not for  
the purpose of short-term investment or for resale after division to those outside of the immediate  
family. I further certify that this division is not for the purpose of circumventing any section or sections  
of the Moore County Codes.

Grantor(s) certify(ies) that Grantor(s) has/have held fee simple title to the property to be subdivided for  
a period of more than one (1) year prior to the submission of the application for family subdivision  
referenced below.

The Grantee is the natural or legally defined \_\_\_\_\_ (state the family  
relationship: must be either child, step-child, grandchild, spouse, brother, sister or parent) of the  
Grantor(s) who is/are the current property owner of record. Further, no other conveyance has  
previously been made to the Grantee under the said Section \_\_\_\_\_ nor the said Section  
\_\_\_\_\_ nor under the former North Carolina General Statutes or Moore County Subdivision  
Ordinance.

The attached deed from Grantor(s) to Grantee dated as of \_\_\_\_\_, submitted to the  
County of Moore for Family Subdivision under the name \_\_\_\_\_ Family  
Subdivision, is a true and accurate copy of the instrument that will be duly executed and recorded upon  
the approval of the plat by the County of Moore.

\_\_\_\_\_  
(Signature) (Signature)

\_\_\_\_\_  
(Print) Grantor (Print) Grantee

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print) Grantor

**MUST BE NOTARIZED: Notary Blocks on following page.**

**STATEMENT MUST BE SIGNED AND SWORN TO BY ALL CURRENT RECORD OWNERS OF THE LAND  
BEING SUBDIVIDED AS WELL AS BY THE GRANTEE(S), AND ALL BLANKS MUST BE FILLED IN.**

STATE OF NORTH CAROLINA  
COUNTY OF MOORE

Subscribed and sworn to before me in my jurisdiction aforesaid this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF MOORE

Subscribed and sworn to before me in my jurisdiction aforesaid this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF MOORE

Subscribed and sworn to before me in my jurisdiction aforesaid this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

**(EACH DEED of GIFT OR CONVEYANCE MUST BE ACCOMPANIED BY A SEPARATE AFFIDAVIT.)**

NORTH CAROLINA  
MOORE COUNTY

DEED OF GIFT

THIS DEED OF GIFT is made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between \_\_\_\_\_ (and \_\_\_\_\_ his wife) (hereinafter referred to as "Grantor"); and \_\_\_\_\_ (name of minor) under the North Carolina General Statutes (hereinafter referred to as "Grantee").

WITNESSETH:

THAT for and in consideration of their natural love and affection, the Grantor does hereby grant and convey in fee simple with GENERAL WARRANTY of title unto the Grantee, as Custodian for \_\_\_\_\_ (name of minor) under the North Carolina General Statutes, all that certain lot or parcel of land, together with all improvements thereon and appurtenances thereunto belonging, lying and being situate in the County of Moore, North Carolina, containing \_\_\_\_\_ acres more or less, shown as Lot \_\_\_\_\_ on that certain plat dated \_\_\_\_\_, and revised Through \_\_\_\_\_, \_\_\_\_\_, entitled " \_\_\_\_\_ ", prepared by \_\_\_\_\_ of \_\_\_\_\_, North Carolina, certified land surveyors (the "Plat"), and recorded together with a Deed of Subdivision contemporaneously herewith in the Register of Deeds for the County of Moore, which is expressly incorporated herein; AND BEING a portion of the same property conveyed to the Grantor by deed dated \_\_\_\_\_ of \_\_\_\_\_, recorded in Deed Book \_\_\_\_\_, at Page \_\_\_\_\_, among the land records of Moore County, North Carolina. Reference is hereby made to the aforesaid Deed of Subdivision and Plat for a more particular description of the land conveyed hereby.

Grantor does hereby (FURTHER CONVEY to Grantee) OR (RESERVE UNTO himself/herself) a private access easement to and from the public road for ingress and egress and the installation of utilities, for the use and benefit of Lot \_\_\_\_\_ as shown on the Plat. Such private access easement is subject to the maintenance obligations set forth in the (said Deed of Subdivision) OR (Private Road Maintenance Agreement) recorded contemporaneously herewith. The construction, repair and maintenance of this private access easement and roadway, including snow removal, shall not be the responsibility of the County or the State of North Carolina.

This conveyance is subject to all covenants, conditions, restrictions, easements, and rights-of-way, if any, of record.

WITNESS the following signatures and seals.



GRANTOR:

\_\_\_\_\_(SEAL)  
Name

\_\_\_\_\_(SEAL)  
Name

STATE OF NORTH CAROLINA  
COUNTY OF MOORE

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that  
\_\_\_\_\_ whose name is signed to the foregoing Deed of Gift, appeared  
before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My commission expires:

\_\_\_\_\_  
Notary Public

STATE OF NORTH CAROLINA  
COUNTY OF MOORE

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that  
\_\_\_\_\_ whose name is signed to the foregoing Deed of Gift, appeared  
before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My commission expires:

\_\_\_\_\_  
Notary Public

NORTH CAROLINA  
MOORE COUNTY

PRIVATE ROAD MAINTENANCE  
AGREEMENT

THIS PRIVATE ROAD MAINTENANCE AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, by and between \_\_\_\_\_ (hereinafter referred to as “\_\_\_\_\_”);  
and \_\_\_\_\_ (hereinafter referred to “\_\_\_\_\_”).

**WITNESSETH:**

WHEREAS \_\_\_\_\_ is the owner of that certain real property known as  
Lot \_\_\_\_\_ of the \_\_\_\_\_ Family Subdivision, lying and being situate in the  
County of Moore, North Carolina, as shown on that certain Plat dated \_\_\_\_\_, and revised  
through \_\_\_\_\_, entitled “\_\_\_\_\_” and prepared by  
\_\_\_\_\_ of \_\_\_\_\_, North Carolina, certified land surveyors (the “Plat”)  
which Plat is recorded contemporaneously herewith among the land records of the County of Moore,  
North Carolina; and

WHEREAS, \_\_\_\_\_ is the owner of that certain real property known as Lot \_\_\_\_\_ of  
the \_\_\_\_\_ Family Subdivision, lying, and being situate in the County of Moore,  
North Carolina as shown on the Plat; and

WHEREAS, Lots \_\_\_\_\_ and \_\_\_\_\_ are served by a private access easement for ingress and egress  
and for the construction and maintenance of utilities in the location as shown on the Plat, and  
designated thereon as “\_\_\_\_\_”; and

WHEREAS, it is the desire and intent of the parties hereto to provide for the maintenance of the  
aforesaid easement.

NOW THEREFORE, in consideration of the foregoing premises, the mutual covenants contained  
herein, and the following terms and conditions, the parties hereto agree as follows:

- (a) The responsibility for the construction, repair, and maintenance of the private access  
easement serving the said Lots shall be shared (equally) OR (in the following  
percentages) among the said Lots served by the easement. (IF MAINTENANCE  
RESPONSIBILITY IS NOT TO BE SHARED EQUALLY AMONG THE LOTS, SET FORTH HERE  
THE LOT NUMBERS AND ASSIGNED PERCENTAGES.)
- (b) The private access road within the said easement shall be constructed and maintained  
only as an all weather surface roadway sufficient for vehicular and emergency vehicle  
traffic including the maintenance of a thirteen foot six inch (13'-6") vertical clearance,  
and a minimum of a twenty (20) foot wide all-weather driving surface, and with  
maintenance to also include, without limitation, grading, scraping, ditching, snow  
removal and spreading of new gravel, as necessary, in the sole discretion of the owners  
of the Lots served by said easement.

- (c) As required by the Moore County Unified Development Ordinance, the parties hereto state and acknowledge that said access road or access easement is private and its maintenance, including snow removal, is NOT a public responsibility. It shall not be eligible for acceptance into the State secondary road system by NCDOT for maintenance until such time as it is constructed to and otherwise complies with all requirements of the North Carolina Department of Transportation for the addition of subdivision roads current at the time of such request. Any costs required to cause this road to become eligible for addition to the State system shall be provided from funds other than those administered by the North Carolina Department of Transportation.

This Road Maintenance Agreement, and any amendments hereto, shall be recorded among the land records of Moore County, North Carolina, and shall constitute a covenant running with the land, and the terms hereof shall not be amended or modified, except by written agreement.

WITNESS the following signatures and seals.

\_\_\_\_\_(SEAL)

Name

\_\_\_\_\_(SEAL)

Name

\_\_\_\_\_(SEAL)

Name

\_\_\_\_\_(SEAL)

Name

STATE OF NORTH CAROLINA  
COUNTY OF MOORE

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that \_\_\_\_\_ whose name is signed to the foregoing Private Road Maintenance Agreement, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My commission expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

(ADD SIGNATURE LINE AND NOTARY BLOCK FOR EACH PARTY)